

Message Text

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PAGE 01 STATE 204632

ORIGIN ARA-14

INFO OCT-01 ISO-00 HA-05 TRSE-00 CIAE-00 DODE-00 PM-05

H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02

SS-15 ICA-11 IO-13 AID-05 /091 R

DRAFTED BY ARA/USOAS:M YOHN:MAB

APPROVED BY ARA/USOAS:I G TRAGEN

ARA/ECA:C W RUSER

HA:R J COHEN (IN SUBSTANCE)

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FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES

AMEMBASSY MONTEVIDEO

C O N F I D E N T I A L STATE 204632

E.O. 11652: GDS

TAGS: OAS, SHUM

SUBJECT: INTERIM STATUS OF IAHC

1. A MEETING OF THE OAS PERMANENT COUNCIL IS SCHEDULED FOR AUGUST 18, AT WHICH TIME THE COUNCIL'S GENERAL COMMITTEE WILL RESUME DISCUSSION OF INTERIM STATUS OF IAHC (COVERING PERIOD FROM JULY 25 WHEN AMERICAN CONVENTION ON HUMAN RIGHTS CAME INTO FORCE TO RECONSTITUTION OF IAHC WHICH WILL OCCUR LATER THIS YEAR -- PROBABLY IN NOVEMBER.) INTERIM STATUS ISSUE, AS YOU KNOW, HAS BEEN OF CONCERN TO US BECAUSE WE BELIEVE IT EXTREMELY IMPORTANT TO AVOID AMBIGUITY ABOUT LEGITIMACY OF PRESENT IAHC ACTIVITIES.

2. UNFORTUNATELY, FOR TECHNICAL REASONS, COSTA RICAN RESOLUTION AT 8TH OASGA CLARIFYING INTERIM STATUS WAS NOT RPT. NOT ACTED UPON, AND MATTER WAS REFERRED TO PERM
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PAGE 02 STATE 204632

COUNCIL. COUNCIL THEN MET ON JULY 11-12 FOR INFORMAL DISCUSSION OF ISSUE. CONSENSUS VIEW WHICH DEVELOPED FROM THIS DISCUSSION WAS THAT PRESENT IAHC SHOULD BE EMPOWERED TO CONTINUE TO FUNCTION UNTIL NEW COMMISSION ELECTED AND ITS STATUTES APPROVED UNDER TERMS OF AMERICAN CONVENTION. HOWEVER, URUGUAYAN AND ARGENTINE DELS PRESSED ARGUMENT

THAT UNDER TERMS OF THE OASGA REFERRAL, PERM COUNCIL IS NOT RPT. NOT AUTHORIZED TO MAKE FINAL DECISION. SINCE NUMEROUS OTHER DELS EXPRESSED DESIRE TO CONSULT WITH CAPITALS, DECISION WAS MADE TO RESUME DISCUSSIONS AT A GENERAL COMMITTEE MEETING SCHEDULED FOR AUGUST 18.

3. OUR CURRENT ESTIMATE IS THAT AT LEAST 20 TO 21 DELEGATIONS WILL SUPPORT THE COSTA RICAN RESOLUTION WITH MINOR AMENDMENTS. WE ANTICIPATE THAT DECISION WILL BE TAKEN ON AUGUST 18 TO ASSIGN DRAFTING TO PERMANENT COUNCIL'S COMMITTEE ON JURIDICAL/POLITICAL MATTERS, WITH RECOMMENDATION TO BE MADE TO PERM COUNCIL FOR CONSIDERATION AT A MEETING IN MID-SEPTEMBER. IF OBJECTIONS ARE WITHDRAWN TO PERM COUNCIL'S JURISDICTION TO DECIDE THIS ISSUE, MATTER MAY BE RESOLVED AT THAT TIME. OTHERWISE, IT APPEARS THAT PERM COUNCIL WOULD BE REQUIRED TO GO THROUGH MECHANICAL PROCESS OF CONVOKING A SPECIAL OASGA TO DO SO (FYI: THIS WOULD BE A FORMALITY REQUIRING A DELAY OF SEVERAL DAYS).

4. FOR MONTEVIDEO: WE WOULD APPRECIATE YOUR SEEKING OPPORTUNITY IN NEXT FEW DAYS TO CONSULT WITH APPROPRIATE OFFICIALS IN GOU ON THEIR CURRENT THINKING ABOUT HOW ISSUE SHOULD BE HANDLED. YOU MAY ADVISE THEM OF OUR ASSESSMENT THAT OVERWHELMING SENTIMENT AMONG OAS DELS IS TO GET INTERIM STATUS ISSUE CLARIFIED IN MOST EXPEDITIOUS
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PAGE 03 STATE 204632

MANNER POSSIBLE. WE WOULD HOPE THAT GOU, IN VIEW OF SEEMINGLY INEVITABLE OUTCOME, MIGHT SEE FIT TO WITHDRAW RESERVATIONS ABOUT STANDING OF PERM COUNCIL TO MAKE FINAL DECISION.

5. FOR BUENOS AIRES: IN VIEW OF PRESENT SITUATION, WE ARE NOT ASKING YOU TO MAKE A REPRESENTATION TO GOA ON THIS UNLESS FAVORABLE OPPORTUNITY ARISES. FOR YOUR INFORMATION, HOWEVER, OUR SOUNDINGS WITH ARGENTINE OAS DEL SUGGEST THAT IT IS FEELING UNCOMFORTABLY ISOLATED AND MIGHT WELCOME INSTRUCTIONS FROM BUENOS AIRES NOT TO RAISE QUESTION AND ACCEPT COMPETENCE OF PERM COUNCIL TO ACT.
CHRISTOPHER

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